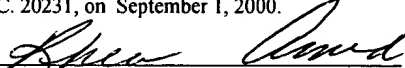


PATENT
Docket No. 273012011100

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on September 1, 2000.


Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Patrick Mark CURRY et al.

Serial No.: 09/556,833

Filing Date: April 21, 2000

For: IMMUNOADJUVANT PDT
TREATMENT OF METASTATIC
TUMORS

Examiner: Unassigned

Group Art Unit: 1614

**PETITION TO MAKE SPECIAL
PURSUANT TO 37 C.F.R. § 1.102(a) AND 1.102(D)**

Assistant Commissioner for Patents
Attn: Special Program Examiner
Washington, D.C. 20231

Dear Sir:

Applicants respectfully request that the above identified application be made special pursuant to 37 C.F.R. § 1.102(a) and the grounds set forth at M.P.E.P. § 708.02 subsection X. Applicants submit herewith the requisite fee under 37 C.F.R. § 1.17(i) as required by 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02 subsection X.

Statement pursuant to M.P.E.P. § 708.02 subsection X

The instant application is directed to the treatment of metastatic tumors, a particularly vexing problem in the treatment of cancer. As noted in the instant application, the metastatic

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cancer process results in the proliferation and growth of secondary tumors at sites distal to a primary tumor. Metastatic process has been identified as the cause of death in most cancer cases. In patients newly diagnosed with a solid tumor and free of detectable metastases, approximately half have clinically occult micrometastases that will become evident over time despite localized treatment for the detected solid tumor. By one estimate, the total percentage of patients with either detectable or microscopic disseminated metastases at the time of primary tumor treatment is 60% (Liotta and Stetler-Steveson, 1989). Brain, lung, liver and bone tissues are the most common sites of metastatic cancer spread.

Thus despite the ability to treat many primary tumors, the lack of an effective means to treat or prevent metastatic cancer places numerous patients at continued risk of death from cancer.

The instant application relates to an invention that contributes to the prevention and treatment of metastatic cancers. Specifically, the invention is directed to methods and compositions that prevent and treat metastatic tumors. The invention provides a combination of photodynamic therapy (PDT) methods and immuno-adjuvant to both prevent the onset of as yet undetected metastatic tumors and treat metastatic cancer after diagnosis. Importantly, the invention offers efficacy against non-localized metastatic tumors either before or after their detection.

The PDT methods of the invention utilize a photosensitizer compound which is activated upon irradiation with light absorbed by the compound. Preferred photosensitizer compounds localize in tumor cells and tissue while the immuno-adjuvant proceeds to activate/potentiate the immune response generally. The combination of immune system activation and PDT mediated damage to tumor cells, or initiation of immune reactions, may be a source of the efficacy seen with the instant invention.

Given the above, Applicants respectfully submit that the subject matter of the instant application is within the criteria provided at M.P.E.P. § 708.02 subsection X, and special status should be granted. Applicants respectfully request the granting of such status.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.17 that may be required by this petition, or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 273012011100. A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,

Dated: September 1, 2000

By:



Kawai Lau
Registration No. 44,461

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